

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

MIKHAIL VENIKOV,

Plaintiff,

v.

**THURMAN’S USED CARS,
ROBERT E. THURMAN II, AND
ROBERT JOSHUA THURMAN,**

Defendants.

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) **NO. 2:17-cv-00030**
) **CHIEF JUDGE CRENSHAW**
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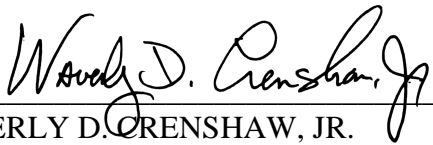
ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (Doc. No. 26) recommending that Robert Thurman’s initial Motion to Dismiss (Doc. No. 23) be denied. No objections have been filed to the Magistrate Judge’s Report and Recommendation. Upon *de novo* review in accordance with Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition because the Complaint contains sufficient factual and legal allegations respecting all material elements to sustain a recovery under viable legal theories, including intentional misrepresentation, negligent misrepresentation, violation of the Tennessee Consumer Protection Act, and breach of contract. (Doc. No. 26 at 8.) Accordingly, the Magistrate Judge’s Report and Recommendation is **APPROVED** and **ADOPTED**, and Defendant Robert Thurman’s Motion to Dismiss is **DENIED**.

Moreover, Robert Thurman has now filed a second, additional Motion to Dismiss, reiterating the same arguments he made in his initial Motion to Dismiss. (Doc. No. 28.) However, Thurman’s second Motion to Dismiss fails to comply Local Rule 7.01(a)(2), requiring that every motion that may require the resolution of an issue of law be accompanied by a separately filed

memorandum of law citing supporting authorities. (See Doc. No. 28.) Accordingly, Thurman's second Motion to Dismiss is **DENIED** for failure comply with the Court's Local Rules.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE